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## China - Peoples Republic of

**Post:** Beijing

### **Measures for the Supervision and Administration of Import and Export Food Safety (Revised Draft Notified as SPS 1056)**

**Report Categories:**

Policy and Program Announcements

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**Report Highlights:**

On September 13, 2017, China notified the World Trade Organization of the "Measures for the Supervision and Administration of Import and Export Food Safety (draft)" as SPS 1056. The draft revises China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) Decree 144 and contains six chapters and 57 articles. These articles apply to the inspection, quarantine and safety supervision, and the management of foods intended for import and export. Please note that some of the listed articles in the draft reflect measures already implemented and others currently under consideration by AQSIQ. The deadline for submitting comments to the World Trade Organization is November 11, 2017.

This report provides an unofficial translation of the Revised Draft Measures, background on the revision, and recommendations on how to submit comments.

## **Executive Summary:**

On September 13, 2017, China notified the World Trade Organization of the "Measures for the Supervision and Administration of Import and Export Food Safety (draft)" as SPS 1056. The draft measures revise AQSIQ Decree 144<sup>1</sup> pertaining to Measures for the Supervision and Administration of Import and Export Food Safety, which was implemented on March 1, 2012. The measures are based on the [Food Safety Law](#); the [Law on Inspection of Import and Export Commodities](#); the Law on the Entry and Exit Animal and Plant Quarantine; the Special Rules of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products; as well as other regulations. Please note that some of the listed articles in the draft reflect measures already implemented and others currently under consideration by AQSIQ. The deadline for submitting comments to the World Trade Organization is November 11, 2017.

## **How to comment:**

At this time, U.S. industry and interested parties are encouraged to offer comments on the draft Measures as soon as possible. These should be submitted through the USDA/FAS Office of Agreements and Scientific Affairs by email to [Joe.Hain@fas.usda.gov](mailto:Joe.Hain@fas.usda.gov).

Individuals/organizations offering comments are also requested to provide copies of their comments to the U.S. Embassy Office of Agricultural Affairs by email to [AgBeijing@fas.usda.gov](mailto:AgBeijing@fas.usda.gov). In order to facilitate comments inclusion regarding this revised draft, please identify the notification number in the email subject line. In addition, kindly reference recommended comments by article.

## **Background on the Revisions**

In 2015, China amended its Food Safety Law. Accordingly, the amendment called for significant revisions to most regulations and rules related to food safety, including AQSIQ Decree 144 implemented on March 1, 2012.

The measures under the 2012 version of Decree 144 are the core regulations for the inspection and oversight of food imports and exports. The Measures also offer a detailed interpretation of the Food Safety Law regarding the safety of imported and exported foods. It establishes the principal requirements, including the foreign food producer registration, foreign food exporter/trader record filing system, good/bad record system, the import food inspection, and the risk alert mechanism. The Measures also granted inspectors of the AQSIQ local branches (China Inspection and Quarantine, CIQ) the authority to conduct on-site inspections, verify documents, and detain products that fail to comply with regulations.

In comparison with the earlier version of Decree 144, the current draft Measures present some major changes, including:

- Redefining the scope of application, removing food additives and food-related products from the scope;

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<sup>1</sup> For full Chinese text of measures please visit [ww.aqsiq.gov.cn/zwgk/jlgg/zjl/2011/201109/t20110928\\_199336.htm](http://ww.aqsiq.gov.cn/zwgk/jlgg/zjl/2011/201109/t20110928_199336.htm)

- Instructing that before exporting a category (variety) of foods to China for the first time, the competent authority of the exporting country/region must submit an application to AQSIQ;
- Requiring importers to file records with the AQSIQ. This is already enforced by the AQSIQ Public Notice [2012] No. 55, Record Filing for Foreign Exporters/Agents of Food Products and Consignee of Imported Food Products to China;
- Requiring importers to conduct review of the overseas exporters and overseas producers in forms of document review or site visits; [see latest publicly available proposed draft](#)
- Introducing a pre-inspection mechanism: imported foods could be pre-inspected/quarantined by the CIQs or qualified third-party inspection institutions; CIQs will facilitate entry for food imports that have passed the pre-inspections;
- Specifying the compliance-proving documents required by Article 92 of the Food Safety Law. Namely, the compliance statement, the testing report and the certifying documents issued by the competent authority or institution authorized by the competent authority of the exporting country/region (see GAIN Report CH 17049 on the proposed official certificate requirement or Measure #327 granted a two-year transition period until September 30, 2019);
- Adding measures pertaining to recall of imported foods with incompliant labels;
- Reducing the labelling contents required on the exterior packages for transportation.

For more information regarding current regulations and standards affecting agriculture exports to China, please see Post report [CH16069](#).

## **BEGIN TRANSLATION**

# **Measures for the Supervision and Administration of Import and Export Food Safety**

**(Draft)**

## **Chapter I General Provisions**

**Article 1 (Legislative Basis)** These Measures are formulated in accordance with the Food Safety Law of the People's Republic of China (hereinafter referred to as the “Food Safety Law”) and the implementing regulation thereof, the Law of the People's Republic of China on the Inspection of Import and Export Commodities and the implementing regulation thereof, the Law of the People's Republic of China on the Quarantine of Animals and Plants at Entry and Exit and the implementing regulation

thereof, and the Special Rules of the State Council on Strengthening the Supervision and Administration of the Safety of Food and Other Products, as well as other laws and regulations.

**Article 2 (Scope of Application)** Engaging in the following activities, the person and entity shall follow provisions of these Measures:

1. Import/export of foods (excluding food additives and food-related products; same for the rest of the Measures) and relevant activities;
2. Supervision and management of import and export food safety.

**Article 3 (Division of Jurisdictions)** The State Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as “AQSIQ”) oversees import and export food safety nationwide. The local entry-exit inspection and quarantine branches of the AQSIQ (hereinafter referred to as the “CIQs”, China Inspection and Quarantine) oversee import and export food safety in their areas of jurisdiction.

**Article 4 (Companies/Enterprises’ Responsibilities)** Producers and operators of the imported and exported foods are accountable for safety of the foods they produce/operate.

Producers and operators of the imported and exported foods shall engage in food import and export activities in accordance with the laws, regulations and food safety standards, guarantee food safety, be responsible to the society and the general public, accept public supervision, and assume social responsibilities.

The producers and operators of the imported and exported foods in these Measures refer to: overseas exporters or agents that export foods to China, overseas producers, importers of imported foods, producers and exporters that export foods, etc.

**Article 5 (Supervision Administration Approaches)** AQSIQ organizes CIQs and relevant supporting agencies to conduct inspections and quarantines over import and export foods through compliance assessment. The compliance assessment activities include but are not limited to: system assessment of the exporting country/region, overseas food producer registration, importer and exporter record filing, quarantine approval, inspection of official certificate issued by the exporting country/region, verification of the compliance materials attached to the shipments, checking the bills and certificates, on-site inspection, sampling inspection, checking the import and distribution records, etc.

**Article 6 (Credit Management)** CIQs adopt credit management for producers and operators of imported and exported foods, and establish the credit records. CIQs will make known the producers and operators with bad records, and reinforce inspection and quarantine over them.

**Article 7 (Supervision and Administration Measures)** CIQs could take supervision and administration measures provided in Article 110 of the Food Safety Law in performing their inspection, quarantine and oversight duties over imported and exported foods.

## **Chapter II Food Import and Oversight**

**Article 8 (Standards-related Requirements)** Imported food shall comply with relevant laws, regulations, and national food safety standards of China.

To import foods without national food safety standards, the foods shall comply with relevant standards the National Health and Family Planning Commission (NHFPC) determined to temporarily apply. New food materials or foods produced from new food materials could only be imported after they pass safety assessments by the NHFPC.

**Article 9 (Assessment of the Food Safety System of a Foreign Country)** AQSIQ can conduct assessments and review of the food safety management system and the food safety situation of a country/region that exports foods to China.

Before exporting a category (variety) of foods to China for the first time, the competent authority of the exporting country/region shall submit application to AQSIQ. AQSIQ could organize assessment accordingly.

Pursuant to needs for oversight of import food safety, AQSIQ will conduct retrospective reviews on continued effectiveness of the food safety management system of the country/region that have food trade with China. The assessment and review include document verification and on-site assessment.

Based on the assessment and review results, AQSIQ will determine or adjust the inspection and quarantine requirements.

**Article 10 (Producer Registration)** Overseas food producers that export foods to China shall register with AQSIQ; the catalogue of products that need overseas producer registration is developed and adjusted by AQSIQ; the product catalogue and the registration list shall be published.

**Article 11 (Record Filing by Importers/Exporters)** The overseas exporters or agents that export foods to China and importers (hereinafter referred to as importers/exporters) shall follow AQSIQ's regulations when filing their information for records.

The importers/exporters shall be accountable for truthfulness of the submitted information. If the filed information changes, the importer/exporter shall initiatively change the filed information within 15 working days after the change.

AQSIQ is responsible for publishing the list of the food importers/exporters filed records.

**Article 12 (Self-inspection by the Importers)** Food importers shall establish the system for reviewing overseas exporters and overseas producers, urging the overseas exporters and producers to ensure that foods exported to China comply with provisions of the Food Safety Law, other laws, administrative regulations and the national food safety standards. The reviews shall focus on the following aspects:

1. Overseas exporters and producers' development and implementation of the food safety risk prevention/control plans;
2. Overseas exporters and producers' development and implementation of the food protection measures;
3. Overseas exporters and producers ensure that the Chinese label and introductions of imported pre-packaged foods comply with Chinese laws, regulations and national food safety standards;
4. Overseas exporters/producers good faith.

Importers could conduct the review in forms of document review or site visit. The document review should be conducted at least once every two years; the site visit shall be conducted once every four years. The importers shall truthfully and completely record the review process and results; the review records shall be kept for at least four years.

Importers shall not import foods from overseas food exporters/producers that have noncompliant review results.

**Article 13 (Review and Approval of Animal/Plant-derived Foods)** Importing foods that require the animal/plant quarantine permit, the importers shall obtain the permit before importing the foods.

**Article 14 (Pre-inspection)** Based on risk assessment and upon application by the importer or its agent, the imported foods could be pre-inspected/quarantined by the CIQs or qualified third-party inspection institutions. CIQs will grant conveniences for food imports that have passed the pre-inspections.

**Article 15 (Compliance Proving Material)** Compliance proving materials in Article 92 of the Food Safety Law include:

1. Compliance statement;
2. Testing report;
3. Certifying documents issued by the competent authority or institution authorized by the competent authority of the exporting country/region.

Requiring official certifying documents or certifying documents issued by the government authorized institution, the format, content and comments of the certifying documents will be determined by AQSIQ and the competent authority of the exporting country/region through consultations.

**Article 16 (Good Importer Appraisal)** Importers could voluntarily apply to the local CIQs to be recognized as the “Good Importer”. CIQs will grant convenience for customs clearance to importers that are recognized as the “Good Importer”.

Measures for voluntarily recognition of good importer will be developed by AQSIQ.

**Article 17 (Designated Port Entry)** Imported foods that have requirements for designated entry port shall be imported through the designated ports. The catalogue of foods with designated port requirements and the construction requirements for designated port are developed and published by AQSIQ.

**Article 18 (Inspection)** Food importers shall apply to CIQs for inspections. When applying for inspection, the importer shall report all items that required by AQSIQ, including the name, brand, country (region) of origin, producer, specifications, quantity/weight, total value, and date of production (batch number), and truthfully provide the following materials:

1. Requiring approval for quarantine permit for imported animals and plants, the importer shall provide the quarantine permit for imported animals and plants;

2. Foods that need to pass relevant reviews shall have the certifying document issued by the authority as relevant laws/regulations require;
3. Record filing numbers of the overseas food exporter or agent and the food importer; registration number of the overseas food producer;
4. If certifying document issued by the exporting country/region is required, such certifying document shall be provided;
5. Importing pre-packaged foods, the importer shall submit statements or certifying documents proving that the product's Chinese label complies with Chinese laws, administrative regulations and the national food safety standards; if the instruction is required, the certifying document proving that the Chinese instruction compliance with the above requirements shall also be submitted. If Chinese logo is required, the above provisions shall be followed.
6. Compliance certifying materials for foods with higher risks or other special requirements;

Food importers are encouraged to apply for inspection to CIQs before the imported foods arrive at the entry port.

**Article 19 (Permission Certifying Document)** Foods that need to provide permission certifying documents as required by Article 18.2 include:

1. Foods without national food safety standards;
2. New food materials;
3. Foods produced from new food materials;
4. Special foods (health foods, foods for special medical purposes, and infant formula foods) that have registration or record filing requirements;
5. Genetically engineered foods;
6. Foods made from endangered animals/plants;
7. Other foods that should obtain permission certifying documents.

**Article 20 (Accept application for Inspection)** CIQs review application materials submitted by the importers and their agents; if the application materials are complete, or have been supplemented/corrected as demanded by the CIQs, the application will be accepted.

**Article 21 (Product Storage at the Designated Area)** Before obtaining the Inspection & Quarantine Certificate for Entry Goods, the imported foods shall be stored at the location designated or approved by the CIQs. If it is necessary to move the imported foods, the move must be approved by the CIQs; necessary quarantine or protective measures shall be taken for such moves.

**Article 22 (Inspection and Quarantine)** CIQs conducts inspections over imported foods by methods including document verification of each shipment, on-site inspection of each shipment, or sampling

inspection pursuant to the national import food safety supervision and sampling check plans; if animal and plant quarantine is required, the quarantine inspection shall be conducted at the entry port.

Finding no incompliance after inspection and quarantine, CIQs will approve entry of the imported foods.

Finding incompliance at the entry port, CIQs shall inform the importer about the entry denial. If the incompliance is not relevant to safety, health or environmental protection items, the importer could take technical treatment under supervision of the CIQ. After the technical treatment, the importer must re-submit application for inspection.

**Article 23 (Categorized Oversight)** Based on risks, the CIQs adopt routine oversight and strengthened oversight on imported foods.

The routine oversight refers to the material verification and on-site inspection to each shipment of imported foods taken by CIQs pursuant to Article 22 of these Measures, or the sampling inspection conducted pursuant to the national import food safety supervision and sampling check plan.

The strengthened oversight includes reinforced oversight and detention. Finding incompliance in foods in routine oversight, or other information indicates potential safety risks of the imported foods, AQSIQ will decide whether to adopt reinforced oversight based on risk assessment.

With regard to foods subject to reinforced oversight, AQSIQ will increase frequency of sampling tests to items with potential risks; the percentage of the sampling test in general is no less than 30%.

Finding incompliance again in foods subject to reinforced oversight, or other information indicate the existence of significant safety risks, AQSIQ will decide whether to implement detention to the imported foods based on risk assessment. With regard to the imported foods subject to detention, the importer should entrust qualified inspection institution to conduct inspection, and submit inspection reports to CIQs to prove that the shipment meet relevant requirements.

**Article 24 (Summon Importers to Talks)** CIQs could summon legal representatives or the responsible persons of the food importers to talks if the importer have food safety incident, have law violation activities, or import foods with potential risks. In the talks, CIQs point out problems of the summoned company, present requirements and deadline for rectification. The summoned company shall make rectifications accordingly, and report the rectification in writing to the CIQ.

CIQs could publish list of the summoned companies depend on the situation.

**Article 25 (Import and Distribution Records)** Food importers shall establish food import and sales record system, which will accurately record the product name, specifications, quantity, date of production, production or import batch number, shelf life, name and contact methods of exporter and buyers, and delivery date; the importers shall properly keep relevant certifying documents. The records and certifying documents shall be kept at least till six months after the product's shelf life expires; for products that do not have a shelf life, such materials shall be kept at least two years.

**Article 26 (Recall of Imported Foods)** Finding imported foods do not comply with China's national food safety standards, or evidence proves that the imported foods may cause harm to human health, or the product was recalled abroad, and/or the product received complaints and the complaints are valid,



the importer shall immediately stop importing the food, recall the foods pursuant to provisions of relevant Chinese laws and regulations.

**Article 27 (Label Requirements)** Imported pre-packaged foods shall have Chinese labels, and the labels shall meet provisions of Chinese laws, administrative regulations and the national food safety standards. Importers shall review labels of the imported pre-packaged foods, ensure the label complies with Chinese laws, regulations and national food safety standards. Without Chinese label, or the label does not comply with relevant provisions, the product shall not be imported. If the food has already been imported, the importer shall recall the product, and compensate consumers for their losses caused thereof.

In case relevant Chinese laws, administrative regulations of ministry rules require pre-packaged foods to have Chinese logo on the exterior package, the requirements shall be implemented according to the above provisions.

### **Chapter III Food Exports and Oversight**

**Article 28 (General Requirements)** Producers and operators of exported food shall ensure that the exported foods comply with standards of the importing countries (regions) or the requirements of contracts.

If the international treaties or protocols have requirements, the exports shall comply with provisions in the international treaties or protocols.

**Article 29 (Record Filing of the Raw Material Growing/Breeding Farms)** Farms that grow or breed materials for export foods shall, in accordance with relevant provisions, file records with CIQs of the region where they locate. AQSIQ publishes list of the recorded farms that grow or breed materials.

**Article 30 (Record Filing of Producer)** Producers that export foods shall file records with AQSIQ. The producer record filing shall be implemented according to relevant provisions issued by the AQSIQ.

**Article 31 (Safety Management System)** CIQs are responsible for overseeing operation of the safety management systems of food producers that export foods in their respective areas of jurisdictions.

**Article 32 (Category-based Management System)** CIQs establish credit records of export food producers and operators based on their product risks, management, and routine supervision; based on the producers and operators' credit levels, CIQs adopt the class-based (risk) and category-based (product) oversight on export food producers and operators.

**Article 32 (Requirements for Inspection Applications)** A producer or exporter of export foods shall, in accordance with relevant provisions, apply to local CIQs for inspection by presenting contracts, invoices, packing lists and ex-factory inspection compliance certificates. When applying for inspection, the food producer or exporter shall truthfully report the name, specifications, quantity/weight and date of production of the exported foods.

**Article 34 (Supervision and Sampling Inspection)** AQSIQ formulates and adjusts the National Supervision and Sampling Inspection Plan for Safety of Exported Foods, and organizes implementation of the Plan by CIQs.

CIQs, pursuant to the National Supervision and Sampling Inspection Plan for Safety of Exported Foods, develop the sampling inspection plans for their respective areas of jurisdiction, and file the plans for records with AQSIQ.

CIQs are responsible for implementation of the sampling inspection plans.

**Article 35 (Compliance Assessment)** Receiving applications for (permission to) export foods, CIQs, pursuant to the National Supervision and Sampling Inspection Plan for Safety of Exported Foods and the (producers') production records, conduct compliance assessment to the applicant. If the exported food meets the export requirements, the CIQ shall issue the customs clearance certificate. If an official certificate is required, CIQs could also issue the certificate. If the importing country (region) has any new requirements on the form or content of the certificate, CIQs will make adjustment after getting approval from AQSIQ.

If the international treaties or protocols have requirements, CIQs shall comply with such requirements.

**Article 36 (Handling of Incompliant Exports)** If the exported food fails in the compliance assessment, (the applicant) could take technical treatment under supervision of the CIQs, and could export the product after it passes the compliance assessment. If technical treatment cannot be made or the exported food fails again in the compliance assessment, the product is not allowed for export.

**Article 37 (Requirements for Special Transportation Conditions and Special Packages)** Producers and exporters of exported foods shall ensure the food packages and transportation tools that carry the exported foods comply with relevant hygienic requirements.

To transport perishable or frozen exported food, the carriers or the loading entities shall ensure the containers, cabins, aircrafts, vehicles and other means of transportation comply with requirements for cargo worthiness inspection, such as cleanliness, hygiene, refrigeration, sealing and tightness.

**Article 38 (Traceability System)** Operators of exported foods shall establish the system that records flow and disposal of the exported foods. With the system, the operators shall truthfully record product name, specification, quantity, production date, production batch, as well as flow and disposal of the foods; the system enables traceability of the exported foods.

The records shall be truthful, and shall be kept for at least till six months after the product's shelf life expires; for products that do not have a shelf life, such records shall be kept at least two years. Food producers and operators are encouraged to establish the export food traceability systems using the information technologies.

#### **Chapter Four Risk Alert**

**Article 39 (The Risk Alert System)** AQSIQ launches the risk alert system for imported and exported foods.

Finding occurrence of food safety incidents or epidemic situations at home or abroad that may affect the safety of imported or exported foods, or occurrence of serious food safety problems in the imported or exported foods, CIQs shall report the incidents or problems to AQSIQ in a timely manner; AQSIQ shall take risk alert and control measures in a timely manner, and notify the CFDA, NHFPC and the Ministry of Agriculture (MOA) of the problems.

**Article 40 (Information Collection and Assessment)** AQSIQ collects and gathers imported and exported food safety-related information provided in Article 100 of the Food Safety Law; based on

which, AQSIQ analyzes the risks and determine grade of the risks, timely notify the risk to relevant government agencies, institutions and enterprises.

**Article 41 (Issue Alert Notifications and Public Notices)** AQSIQ and CIQs issue risk alert notifications according to the grade of the food safety risks. AQSIQ may, depend on the situation, issue public notices of the risk alert, and make decision to take the following measures:

1. Conditionally restrict import or export;
2. Suspend or prohibit import or export; and
3. Initiate the emergency response plan for the imported and exported foods.

CIQs will implement the above measures following AQSIQ's requirements in the risk alert.

**Article 42 (Removal of the Risk Alert)** If the risks of imported and exported food safety no longer exist or have reduced to an acceptable level, CIQs shall remove the risk alert and the risk control measures.

CIQs, following AQSIQ's requirements in the risk alert removal notice, remove the control measures against relevant countries (regions), and the imported/exported food producers and operators.

**Article 43 (Risk Surveillance)** CIQs conducts risk surveillance over imported and exported foods based on the annual national imported and exported food safety risk surveillance plans. The annual national imported and exported food safety risk surveillance plan is developed by AQSIQ.

**Article 44 (Temporary Control Measures)** AQSIQ may, referring to broadly accepted international practices, issue risk alert notifications or risk alert notices for uncertain risks, and take control measures provided in Article 41 of these Measures. In the meantime, AQSIQ gathers and supplement relevant information and materials in a timely manner to conduct risk analysis.

## **Chapter V Legal Liabilities**

**Article 45 (Revoke Certificate)** CIQs could revoke relevant inspection and quarantine certificates issued to imported and exported foods under any of the following circumstances:

1. The inspection and quarantine certificates issued by CIQ working staffs who fail to perform their statutory duties or are neglect of duties;
2. The inspection and quarantine certificates issued beyond statutory authority or in violation of the statutory procedures;
3. The inspection and quarantine certificates issued to imported and exported foods that do not comply with relevant standards;
4. The inspection and quarantine certificates obtained by importers, exporters or their agents by means of deceit or bribery;
5. Other circumstances the certificates could be revoked according to law.

**Article 46 (Other Violations)** Activities of “exporting food in breach of this Law” listed in Article 129.1.3 of the Food Safety Law, including:

1. Exporting foods by circumventing CIQ’s supervision or sampling inspection;
2. Switching exported foods that have passed CIQ inspection or sampling inspection and obtained the inspection/quarantine certificate (with products that have not passed the inspections or without certificates);
3. Exporting foods that are adulterated, faked, low quality as exported foods that comply with requirements;
4. Exporting foods produced by producers that have not filed records (with relevant authorities);
5. Exporting foods that are not produced from materials from the registered bases as required;
6. Exported food producers or operators’ activities fall in circumstances listed in Article 123, Article 124, Article 125, and Article 126 of the Food Safety Law, and relevant foods have been exported.

**Article 47 (Food Recall Violates Provisions)** CIQs will impose punishments on importers in accordance with provisions of Article 129 and Article 124 of the Food Safety Law if the importers do not recall foods following provisions of the Food Safety Law/its Implementing Rules and these Measures, or the recall does not comply with the above requirements.

**Article 48 (Exported Foods Violate Provisions)** CIQs, in their enforcement, discovering exported food producers or operators have activities that are listed in Article 123, Article 124, Article 125, and Article 126, shall transfer the cases to the county and above level food and drug administrations of the region where the violation occurs for punishment.

**Article 49 (The Farm or the Breeding Bases Violate Provisions)** Finding farms/bases using chemical input in material growing/breeding that violate relevant provisions, CIQs will transfer the cases to the agricultural authorities for punishment.

**Article 50 (Labeling Violates Provisions)** Finding product label, logo, and/or instructions having flaws, but the flaws do not affect food safety nor do they mislead consumers, CIQs will instruct importers to make corrections; CIQs will impose a fine of less than 2,000 Yuan on importers that refuses to make corrections.

**Article 51 (The Supervised Venue Violates Provisions)** Finding importers storing imported foods at places that are not designated or approved by the CIQs before obtaining the Inspection & Quarantine Certificate for Entry Goods, CIQs will instruct the importer to take corrective measures and impose a fine of less than 30,000 Yuan.

**Article 52 (Record Filing Violates Provisions)** In accordance with provisions of Article 126 of the Food Safety Law, CIQs will impose punishments on importers and exporters for their record filing under any of the following circumstances:

1. Submit fake information in record filing;
2. The recorded information changes, but the importer/exporter did not change the filed information as these Measures require in a timely manner.

## **Chapter VI Supplementary Provisions**

**Article 53 (Re-inspection)** Holding different opinion towards the CIQs' inspection results, the inspected entity could apply for re-inspection pursuant to provisions of relevant laws and regulations on imported and exported commodity inspection. Applying for re-inspection of samples of the heterogeneous resources, the re-inspection/testing will only be carried on the retention samples.

**Article 54 (Circumstances that do not Subject to Provisions of These Measures)** Foods imported and exported for non-trading purposes (such as samples/presents/gifts/exhibits), small-amount food trade in the border area, small-amount food trade with Taiwan, foods that entered the free trade zone, foods imported for duty free business operations, food imported for embassies or consulates' use, or foods exported for China's embassies/consulates/personnel of Chinese enterprises stationed abroad shall be governed by the relevant Chinese regulations.

Administration of safety of imported and exported fruits shall follow relevant provisions.

**Article 55 (Pre-packaged Foods and Their Labels)** Pre-packaged foods in these Measures refer to foods that are pre-packaged at the pre-determined quantity, or produced in the packaging materials/containers; such foods include foods that are pre-packaged at the fixed quantity, and foods that are produced in packaging materials/containers at the fixed quantity, which have the unified quantity or volume label to certain quantity scale. The food labels in these Measures refer to the language, shapes, symbols and all other descriptive stuffs on the food package.

**Article 56 (Interpretation of the Measures)** AQSIQ is responsible for interpretation of these Measures.

**Article 57 (Effective Date)** These Measures shall come into force on XXXX, 2017.